

# **Exhibit 16**

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IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

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SHAUNA WILLIAMS, et al., :  
Plaintiffs : Civil Action No.  
V : 23 CV 1057  
REPRESENTATIVE DESTIN HALL, :  
In his official capacity as :  
Chair of the House Standing :  
Committee on Redistricting, :  
et al., :  
Defendants :  
-----X

NORTH CAROLINA STATE CONFERENCE:  
OF THE NAACP, et al., :  
Plaintiffs : Civil Action No.  
V : 23 CV 1104  
PHILIP BERGER, in his official :  
Capacity as the President :  
Pro Tempore of the North Carolina :  
Senate, et al., :  
-----X

Deposition of MICHAEL BARBER, Ph.D.  
Conducted virtually  
Friday, April 11, 2025  
10:05 a.m.

Job No.: 579524  
Pages 1 - 211  
Reported by: Dianna C. Kilgalen

1 be the case that people are concerned about  
2 knowing the partisan, you know, the partisan  
3 dimensions of these -- of these various  
4 districts.

5 Q. In your original report, you developed a  
6 partisan index based on elections from 2016 to  
7 2022. Is that right?

8 A. Yes. I believe that's the expanse, like  
9 the time, the temporal expanse of the index.

10 Q. And you created that partisan index? It  
11 was not something you saw in Doctor Rodden's  
12 report, for example, correct?

13 A. That's correct. I created it.

14 Q. And why did you create that partisan  
15 index? What -- what purpose did it serve in your  
16 original analysis?

17 A. So in my original analysis, I use it to  
18 show the -- the partisan, you know, how the  
19 partisan lean of each of the congressional  
20 districts. I use it in other analyses throughout  
21 the report. So it's kind of an integral part of  
22 a lot of the analyses in my original report.

23 Q. Right. I'm trying to understand like  
24 what -- understanding it was an integral part of  
25 a lot of the analysis, why did you choose to

1 create a partisan index as part of your analysis?

2 What were you aiming to demonstrate with that?

3 A. So the purpose of creating an index is  
4 to give an overall sense of how the district  
5 might perform or what the district might look  
6 like in future elections.

7 The benefit of including multiple  
8 elections is that each election has its own  
9 unique idiosyncrasies. And so you may not -- you  
10 don't -- you don't want to necessarily make a  
11 decision or characterize a district based on a  
12 particular election given that that election has  
13 its own unique, you know, candidates and issues  
14 and circumstances.

15 And so the virtue of combining a variety  
16 of elections is that any one of those  
17 idiosyncrasies is downweighted. It's less --  
18 it's contributing less to the overall -- the  
19 overall index.

20 Q. Is it fair to say that part of the  
21 purpose of your partisan index in your original  
22 report was to evaluate potential motivations of  
23 the legislature when it enacted the map?

24 A. I -- I don't know that I'm offering an  
25 opinion as to the motivations of the legislature

1 MS. RIGGINS: Objection.

2 A. I would say that it wouldn't -- so the  
3 evidence -- the -- seeing race as a  
4 significant -- statistically significant  
5 predictor in the regression model would not cause  
6 me to decrease my belief that race factored into  
7 the drawing of the district, but I don't know  
8 that it would increase my belief.

9 Q. And if you were evaluating an enacted  
10 district -- sorry -- an enacted map to determine  
11 the answer to this question and you had that  
12 coefficient, you would also want to look at the  
13 configuration of districts to see how it matched  
14 up to that to answer that question?

15 MS. RIGGINS: Objection. Go ahead.

16 A. I think it certainly -- I mean, that is  
17 an analysis that you would then follow on and do.

18 Q. Okay. Going to the second set of  
19 simulations, I believe you describe on page 7  
20 here you conduct an additional 5,000 simulations  
21 that don't pay any attention to population  
22 quality, contiguity or those criteria. Is that  
23 correct?

24 A. Yes.

25 Q. Why did you conduct this analysis?

1       A.       So I think this analysis really helps to  
2       illustrate the degree to which these traditional  
3       redistricting criteria are correlated with race.  
4       And so the moment you omit all of them from the  
5       analysis, the envelope -- the envelope  
6       regressions stop predicting race as a significant  
7       factor.

8               And so you see that really big shift in  
9       the distribution. And so what that -- what that  
10      tells us is that all of these criteria or some  
11      combination of them are very correlated with  
12      race, you know, with racial geography. And so  
13      the shift in that distribution illustrates the  
14      degree to which that is the case.

15      Q.       So are these -- is this analysis telling  
16      us something different than the original analysis  
17      of the original simulations?

18              MS. RIGGINS: Objection. Go ahead.

19      A.       I think that they are -- they are  
20      further evidence of what we suspect. So in the  
21      initial simulations, we say race is not  
22      considered but traditional redistricting criteria  
23      are. We see all these false positives. Why do  
24      we see all these false positives? Well, it's  
25      probably because race is correlated with all